

REMARKS

This is a full and timely response to the Office Action of February 17, 2004.

Reexamination, reconsideration, and allowance of the application and all presently pending claims are respectfully requested.

Upon entry of this First Response, claims 1-29 are pending in this application, and claims 1, 8, 16, and 20 have been directly amended herein. Further, claims 24-29 are newly added. It is believed that the foregoing amendments add no new matter to the present application.

Response to §102 Rejections

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. See, e.g., *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983).

Claim 1

Claim 1 is rejected under 35 U.S.C. §102 as being anticipated by *Grube*. Amended claim 1 reads as follows:

1. A cellular apparatus, comprising:
an antenna; and
control logic configured to monitor cellular signals detected by said antenna, a plurality of said cellular signals transmitted from remote cellular devices directly to said antenna, said plurality of cellular signals including unique identifiers of said remote cellular devices, said control logic further configured to store said unique identifiers and to receive a request to transmit to a remote cellular device and to make a determination, in response to said request, as to whether a unique identifier of said remote cellular device is stored in said cellular apparatus, said control logic further configured to transmit a cellular signal based on said determination. (Emphasis added).

Applicant respectfully asserts that *Grube* fails to disclose at least the features emphasized in claim 1. For example, claim 1 recites a plurality of cellular signals including unique identifiers of said remote cellular devices. The control logic is configured to “store said unique identifiers.” *Grube* does not teach or suggest storing a plurality of cellular signals including unique identifiers. As another example, claim 1 recites control logic configured to make a determination as to whether “a unique identifier of said remote cellular device is stored in said cellular apparatus.” *Grube* does not teach or suggest such a limitation.

For at least the above reasons, Applicant respectfully submits that *Grube* is inadequate to anticipate each feature of claim 1, and the 35 U.S.C. §102 rejection of claim 1 should, therefore, be withdrawn.

Claims 2-7 and 24-29

Claims 1, 3, and 5-7 presently stand rejected in the Office Action under 35 U.S.C. §102 as allegedly being anticipated by *Grube*. Further, claim 4 presently stands rejected under 35 U.S.C. §103 as unpatentable over *Grube*, and claim 2 presently stands rejected under 35 U.S.C. §103 as unpatentable over *Grube* in view of *Aarnio*. In addition, claims 24-29 are newly added. Applicant submits that the pending dependent claims 2-7 and 24-29 contain all features of their respective independent claim 1. Since claim 1 should be allowed, as argued hereinabove, pending dependent claims 2-7 and 24-29 should be allowed as a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

Claim 8

Claim 8 is rejected under 35 U.S.C. §102 as being anticipated by *Grube*. Claim 8 reads as follows:

8. A cellular apparatus for transmitting cellular signals, comprising:
an antenna; and
control logic configured to transmit, via said antenna, a cellular signal that identifies a remote cellular device, said control logic further configured to make a determination as to whether said remote cellular device is within a transmission range of said apparatus, ***said determination made by searching a list of cellular device identifiers and locating in said list one of said identifiers corresponding to said remote cellular device, said control logic further configured to define said cellular signal based on said determination.*** (Emphasis added).

Applicant respectfully asserts that *Grube* fails to disclose at least the features emphasized in claim 8. For example, in contrast to the system in *Grube* wherein a unit performs calculations when a request for communication is initiated, amended claim 8 specifically claims logic configured “to make a determination as to whether said remote cellular device is within a transmission range of said apparatus, said determination made by searching a list of cellular device identifiers and locating in said list an identifier of said remote cellular device, said cellular device identifiers corresponding to cellular service request signals received via said antenna, and to define said cellular signal based on said determination.”

For at least the above reasons, Applicant respectfully submits that *Grube* is inadequate to anticipate each feature of claim 8, and the 35 U.S.C. §102 rejection of claim 8 should, therefore, be withdrawn.

Claims 9-15

Claim 9 presently stands rejected under 35 U.S.C. §103 as unpatentable over *Grube* in view of *Aarnio*, and claims 10 through 15 presently stand rejected in the Office Action under 35 U.S.C. §102 as allegedly being anticipated by *Grube*. Applicant submits that the pending dependent claims 9 through 15 contain all features of their respective independent claim 8. Since claim 8 should be allowed, as argued hereinabove, pending dependent claims 9 through 15 should be allowed as a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

Claim 16

Claim 16 is rejected under 35 U.S.C. §102 as being anticipated by *Grube*. Amended claim 16 reads as follows:

16. A cellular transmission method, comprising the steps of:
monitoring a plurality of cellular signals transmitted directly from remote cellular devices to an antenna of a cellular communication apparatus said signals including unique identifiers of said remote cellular devices;
storing said unique identifiers of said remote cellular devices;
detecting a transmission request at said cellular communication apparatus;
determining, in response to said detecting step, whether a unique identifier of said remote cellular device is stored in said cellular apparatus; and
transmitting, based on said determining step, a cellular signal from said cellular communication apparatus to said remote cellular communication device identified by said transmission request..
(Emphasis added).

For at least the reason set forth hereinabove with reference to claim 1, Applicant respectfully asserts that *Grube* fails to disclose at least the features emphasized in claim 16.

Claims 17-19

Claims 17 and 18 presently stand rejected in the Office Action under 35 U.S.C. §102 as allegedly being anticipated by *Grube*, and claim 19 presently stands rejected under 35 U.S.C. §103 as unpatentable over *Grube* in view of *Aarnio*. Applicant submits that the pending dependent claims 17 through 19 contain all features of their respective independent claim 16. Since claim 16 should be allowed, as argued hereinabove, pending dependent claims 17 through 19 should be allowed as a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

Claim 20

Claim 20 is rejected under 35 U.S.C. §102 as being anticipated by *Grube*. Amended claim 20 reads as follows:

20. A cellular transmission method, comprising the steps of:
receiving cellular service request signals at a cellular communication apparatus;
detecting a transmission request at said cellular communication apparatus from a remote cellular device;
searching a list of cellular device identifiers corresponding to said cellular service request signals received in said receiving step;
and
transmitting a cellular signal from said cellular communication apparatus to said remote cellular communication device identified by said transmission request if said identifier of said remote cellular device is located in said list in said searching step.
(Emphasis added)

For at least the reason set forth hereinabove with reference to claim 8, Applicant respectfully asserts that *Grube* fails to disclose at least the features emphasized in claim 20.

Claims 21-23

Claims 21 and 23 presently stand rejected in the Office Action under 35 U.S.C. §102 as allegedly being anticipated by *Grube*, and claim 22 presently stands rejected under 35 U.S.C. §103 as unpatentable over *Grube* in view of *Aarnio*. Applicant submits that the pending dependent claims 21-23 contain all features of their respective independent claim 20. Since claim 20 should be allowed, as argued hereinabove, pending dependent claims 21-23 should be allowed as a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

New Claims 23-29

New claims 23-29 are presented. No new matter is entered. These new claims recite limitations not shown or suggested in the art. Further, these claims depend from claim 1 and are allowable for reasons given in connection with claim 1.

CONCLUSION

Applicant respectfully requests that all outstanding objections and rejections be withdrawn and that this application and all presently pending claims be allowed to issue. If the Examiner has any questions or comments regarding Applicant's response, the Examiner is encouraged to telephone Applicant's undersigned counsel.

Respectfully submitted,

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